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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,499	11/26/2001	Yudong Yang	MS1-871US	1473
22801	7590	12/06/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			STRANGE, AARON N	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 12/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,499

Applicant(s)

YANG ET AL.

Examiner

Aaron Strange

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-44, 50 and 51 is/are rejected.
- 7) ☒ Claim(s) 45-49 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 033005; 091405.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-37 and 52-62 were cancelled via preliminary amendment on 12/23/2004. Claims 38-51 are pending and are presented for examination herein.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 38, 50 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (US 6,345,279).
4. With regard to claim 38, Li discloses a method comprising:
receiving a content request from a content requester (Col 4, Lines 5-8);
retrieving the requested content from a content source (Col 4, Lines 8-10);
processing the retrieved content to provide an abstract content model
(InfoPyramid) comprising a directional graph featuring a top-down hierarchical structure
having nodes that represent components of the content and edges that represent
relationships between the nodes (Fig 2 and Col 4, Line20 to Col 3, Line 62), the nodes

being configured to have a node status that defines dynamic statuses of nodes during content delivery, the node statuses being selected from a group of statuses comprising:

(1) inactive status where the node is not yet a deliverable object (unsupported versions),

(2) activable status wherein an active condition of the node is satisfied but the node is not yet included in a delivery plan (supported versions),

(3) activated status wherein the node has been chosen in a delivery plan (selected versions),

(4) delivered status wherein the node has been delivered successfully to a content receiver (versions sent to client), and

(5) skipped status wherein the node is not delivered and will not be included in the delivery plan (nnselected versions); (Content versions matching the client capabilities are selected and sent to client) (Col 6, Lines 42-67);

and wherein there are multiple different types of edges selected from a group of types comprising:

(1) a dependency edge type that defines a logical dependency between nodes,

(2) a route edge type that defines an ordered or hierarchical dependency between nodes (Fidelity increases up the hierarchy) (Fig 2 and Col 5, Lines 15-21), and

(3) a mixed edge type that defines a logical dependency between nodes and an ordered or hierarchical dependency between nodes;

processing the abstract content model to select an optimal delivery plan the use of which will permit requested content to be delivered to the content requester (optimal versions of content are selected and delivered)(Col 6, Lines 42-67);

and processing the abstract content model to provide deliverable content in accordance with the selected delivery plan (Col 6, Lines 42-67).

5. With regard to claim 50, Li further discloses that nodes can have a value associated with a Quality of Service (QoS) factor which defines an increment to content quality when this node has been delivered (each nodes have as associated quality level that is used to determine an optimal document for delivery to the client) (Col 11, Line 6 to Col 12, Line 8).

6. With regard to claim 51, Li further discloses that nodes can have a resource factor that defines an amount of resources needed to deliver the node (Col 5, Lines 3-5 and 27-47).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al. (US 6,345,279) in view of Kanevsky (US 6,300,947).

9. With regard to claim 39, while the system disclosed by Li shows substantial features of the claimed invention (discussed above), it fails to disclose that the abstract content model comprises an ignition edge that is defined as a dependency edge from a node that is activated, delivered, or skipped.

Kavensky teaches creating dependencies between content items so that certain content items may require the presence of other content items in order to be displayed (Col 11, Line 64 to Col 12, Line 12) . This would have been an advantageous addition to the system disclosed by Li since it would have prevented content from being displayed which requires other content in order to be valuable or understandable. For example, having a photo depend on its caption would ensure that the photo would not be delivered unless the caption was provided to explain what the photo contained.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to create dependencies between content pieces in order to prevent content from being displayed which requires other content in order to be valuable or understandable.

10. With regard to claim 40, Li further discloses that nodes have active conditions that define how a node becomes activable (requirements for display) (Col 5, lines 27-47).

11. With regard to claim 41, Li further discloses that nodes have active conditions that define how a node becomes activable, one of the conditions comprising an automatic condition wherein the node is automatically activable (all nodes which are capable of being displayed are activable) .(Col 5, Lines 27-47 and Col 6, Lines 42-48).

12. With regard to claim 42, Kavensky further discloses that nodes have active conditions that define how a node becomes activable, one of the conditions comprising an OR condition wherein the node is activable if at least one of its input edges is an ignition edge (dependant nodes are only activable if their parent(s) are activable) ((Col 11, Line 64 to Col 12, line 12).

13. With regard to claim 43, Kavensky further discloses that nodes have active conditions that define how a node becomes activable, one of the conditions comprising an AND condition wherein the node is activable only if all its input edges are ignition edges (dependant nodes are only activable if their parent(s) are activable) ((Col 11, Line 64 to Col 12, line 12).

14. With regard to claim 44, Kavensky further discloses that nodes can have input conditions that define when an activable node can be activated (all nodes can be activated if the client profile matches their requirements) (Col 6, Lines 42-27).

Allowable Subject Matter

15. Claims 45-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS 12/12/05


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